

House File 2097 - Introduced

HOUSE FILE 2097

BY PETTENGILL

A BILL FOR

1 An Act relating to community-directed attendant care
2 requirements, and including effective, retroactive, and
3 applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. 2013 Iowa Acts, chapter 138, section 12,
2 subsection 19, paragraph a, subparagraph (6), is amended by
3 striking the subparagraph.

4 Sec. 2. 2013 Iowa Acts, chapter 138, section 142, subsection
5 18, paragraph a, is amended to read as follows:

6 a. The department shall continue to implement the cost
7 containment strategies for the medical assistance program in
8 the fiscal year beginning July 1, 2014, that were recommended
9 by the governor for the fiscal year beginning July 1, 2013,
10 as specified in this Act and may adopt emergency rules for
11 such implementation. The department shall not implement the
12 cost containment strategy that requires transition of the
13 provision by individual providers of personal care under the
14 consumer-directed attendant care option to agency-provided
15 personal care services while retaining the consumer choice
16 option for those individuals able and desiring to self-direct
17 services.

18 Sec. 3. CONSUMER-DIRECTED ATTENDANT CARE PROVIDERS —
19 LEGAL REPRESENTATIVE. The department of human services shall
20 adopt rules pursuant to chapter 17A to allow a guardian or
21 attorney in fact under a durable power of attorney for health
22 care for a consumer-directed attendant care program member to
23 provide consumer-directed attendant care services. Payment to
24 a guardian or attorney in fact for health care for a program
25 member acting as a provider under the consumer-directed
26 attendant care program shall not be considered funds
27 incorrectly paid.

28 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies
31 retroactively to July 1, 2013.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to a cost containment strategy that

1 would require transition under the Medicaid program of the
2 provision by individual providers of personal care under the
3 consumer-directed attendant care option to agency-provided
4 personal care services while retaining the consumer choice
5 option for those individuals able and desiring to self-direct
6 services. Because the provision was included in the
7 appropriation for the Medicaid program for FY 2013-2014 and
8 continued in FY 2014-2015, the bill eliminates the initial
9 directive for FY 2013-2014, and directs the department of human
10 services not to implement the strategy for FY 2014-2015.

11 The bill also provides that under the consumer-directed
12 attendant care program, a guardian or attorney in fact under
13 a durable power of attorney for health care for a program
14 member may be a provider of services under the program.
15 Additionally, payment to such guardian or attorney in fact for
16 health care for a program member acting as a provider under
17 the consumer-directed attendant care program is not to be
18 considered funds incorrectly paid.

19 The bill takes effect upon enactment and is retroactively
20 applicable to July 1, 2013.